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May 12, 2020

Via Email & Electronic Filing

Honorable John G. Koeltl
United States District Judge
Southern District of New York
New York, NY 10007-1312

Application granted.
SO ORDERED.

New York, NY /s/ John G. Koeltl
May 13, 2020 John G. Koeltl, U.S.D.J.

Re: United States v. Yani Benjamin Rosenthal Hidalgo
13 Cr. 413 (JGK)

Dear Judge Koeltl:

We represent defendant Yani Benjamin Rosenthal Hidalgo (“Mr. Rosenthal”) in the above-captioned matter. Pursuant to Your Honor’s Individual Practice I.E, we hereby respectfully request a 5-day extension of our original deadline to reply to the letter that was filed yesterday by the Government in opposition to Mr. Rosenthal’s motion for compassionate release [DE 328 (the “Government’s Response”)].¹ This is our first request for extension of time and before filing it we reached out to the assigned Assistant United States Attorney regarding the Government’s position, who advised that the Government “will take no position on this request.”

Pursuant to the Court’s order of May 4, 2020 [DE 326], our reply in further support of Mr. Rosenthal’s motion for compassionate release is due by Friday, May 15, 2020. However, we are in need of an extension of time, up to and including Wednesday, May 20, 2020 to file that reply. Specifically, we need to review with Mr. Rosenthal certain allegations made by the Government’s Response, including allegations about his medical consultations with the Bureau of Prisons based on the 149-page medical records submitted by the Government. *See* Government’s Response at Ex. “A.” And, Mr. Rosenthal has limited access to visitations at FCI-Miami, the facility where he is currently incarcerated, as well as to phone calls and emails. For instance, today we were not able to have a phone call with Mr. Rosenthal, in spite of a number of attempts from our law firm to reach out to him.

¹ Today the Government was required by Your Honor to re-serve its response due to an “error” of the Government at the time of filing.

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Based on our previous communications with Mr. Rosenthal, we believe that by Wednesday 20, 2020, we will have enough time to effectively communicate with him and submit our reply to this Court. Accordingly, and consistent with the emergency grounds of our motion for compassionate release, we will not request any further extensions of time from Your Honor.

For the above reasons, we respectfully request that the Court grant us an extension of time through May 20, 2020 to file our reply in support of Mr. Rosenthal's motion for compassionate release.

We greatly appreciate Your Honor's time and consideration of our request, and should the Court need any further information regarding this letter we are available at the Court's convenience.

Respectfully submitted,

DIAZ REUS & TARG, LLP

A handwritten signature in blue ink, appearing to read "Michael Diaz, Jr.", is centered below the firm name.

Michael Diaz, Jr.

cc: Emil Joseph Bove, III (emil.bove@usdoj.gov)
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